

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of

*(Briefly describe the property to be searched  
or identify the person by name and address)*Turquoise/Gray Chevrolet single cab truck; New Mexico  
plate, 637PSRCase No. 16-MR-239 MAR 29 2016**MATTHEW J. DYKMAN**  
CLERK

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Turquoise/Gray Chevrolet truck bearing New Mexico plate 637PSR. The Chevrolet truck is located at the A-1 Towing Service Company, 19(b) Coal Basin Road, Gallup, New Mexico

located in the McKinley County District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

Documentation by use of photography and measurement; a complete mechanical inspection; documentation of ownership of the vehicle; alcohol intoxicating beverage containers; bodily fluids/tissues/organs; trace evidence, i.e. hairs, glass, fibers; latent prints, located in the interior and exterior of the Cheverolet Truck.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. 1153	Offenses committed in Indian Country
Title 18 U.S.C. 1112	Involuntary Manslaughter

The application is based on these facts:  
See attached affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Robert H. James, Criminal Investigator

Printed name and title

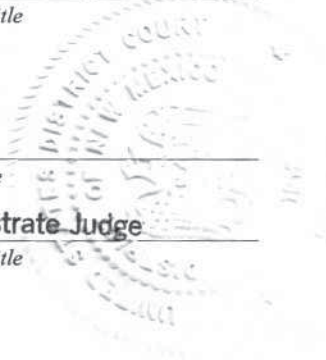
Sworn to before me and signed in my presence.

Date: March 29, 2016City and state: Farmington, NM

Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title



Probable Cause

I, the undersigned, being duly sworn, hereby depose and state as follows:

1. I am a Criminal Investigator (CI) of the Navajo Nation Department of Criminal Investigation, and have been employed in that capacity since August 1997, and I am currently assigned to the Crownpoint Criminal Investigation District, Crownpoint, New Mexico. I have primary investigative responsibilities in crimes that occur in Indian Country, including violent crimes such as homicides, robbery, arson, assault and sexual assault. I also conduct investigations of non-felony crimes that occur on the Navajo Nation, including but not limited to non-negligent deaths, burglaries, and aggravated battery. The information set forth in this affidavit has been derived from my own investigation conducted and/or communicated to me by other sworn law enforcement officers.

II. Investigative Information

1. On March 20, 2016 I CI ROBERT H. JAMES received a telephone call from the Navajo Police Department (NPD), Crownpoint Police District Communication of a motor vehicle crash. A motor vehicle had crashed into a tree resulting in a fatality at Breadsprings, New Mexico. Your Affiant arrived at the motor vehicle crash scene at milepost 4.7 on Breadsprings Road, Breadsprings, McKinley County, New Mexico, which is within the exterior boundaries of the Navajo Nation.

2. March 20, 2016 your affiant established contact with NPD Police Officer FRANKLIN BEGAYE. Officer BEGAYE provided the following information.

a) The vehicle involved is a Chevrolet truck. The Chevrolet truck was traveling eastbound on Breadsprings Road. There was a male occupant that was partially



1 ejected from the truck's passenger side door window opening. Officer BEGAYE advised the  
2 male occupant is deceased and he did not have the deceased male's identity information.  
3

4 b) Officer BEGAYE advised that the Breadsprings Fire Department  
5 volunteer personnel had performed a short distance perimeter search east of the Chevrolet  
6 truck location for possible additional truck occupants but they did not locate any person.  
7

8 3. March 20, 2016 while on scene, your Affiant established contact with G.L.,  
9 year of birth, 1973.  
10

11 a) G.L. advised that earlier today about 7:30 PM, at the junction of  
12 Breadsprings Road and Rodeo Road, her nephew BRANDON LINCOLN got in the same  
13 vehicle that crashed into the tree. The driver of that vehicle looked intoxicated. The driver  
14 wore dark sunglasses. She tried to tell her nephew to not go with the intoxicated person but  
15 he told her, he knows the driver and got in. The truck went in west direction.  
16

17 b) G.L. advised that her nephew wore green Carhartt cargo jeans, black t-  
18 shirt, black shoes, his hair length is about an inch in length, and he has numerous cigarette  
19 burn scars on both arms.  
20

21 4. March 20, 2016 your affiant observed the location of the vehicle crash scene at  
22 approximately thirty yards south of milepost 4.7 Breadsprings Road, just inside the interior  
23 of the pinon tree forest line. Your Affiant observed a turquoise/gray Chevrolet four-wheel  
24 drive, single cab, long wheeled base truck facing in an east direction, nearly up against a  
25 large pinon tree. The Chevrolet truck had impact damages to its entire front end, the engine  
26 hood, and the windshield. The Chevrolet truck had a New Mexico license plate, 637PSR  
27 attached to the rear bumper.  
28

1           5. Your Affiant observed a single can of Natural Ice beer, located on the driver  
2 side floorboard. Your Affiant observed blood spatters on the passenger side doorsill plate, the  
3 passenger side seatbelt housing, the seat, and the passenger side door window rubber  
4 molding.

5  
6           6. Your Affiant observed a gray blanket that was used to cover JOHN DOE. The  
7 deceased body was halfway through the passenger side door opening. JOHN DOE'S  
8 waistline was positioned on the bottom of the door window opening. From the waist down to  
9 the feet were on the interior side of the door, and from the waist up to the head and arms  
10 were on the exterior side of the passenger door. The passenger door window's rubber  
11 molding was wrapped around JOHN DOE at the left shoulder, which prevented JOHN  
12 DOE'S efforts of crawling out the door window opening. JOHN DOE smelled of alcohol  
13 intoxicating beverage on his person.

14  
15           7. After a walk through of the scene, your Affiant determined that the Chevrolet  
16 truck was traveling eastbound on Breadsprings Road, entered a curve in the asphalt roadway,  
17 the driver of the Chevrolet truck failed to negotiate the curve in the roadway, traveled off the  
18 roadway onto the dirt area, continued traveling towards the forest tree line, traveled into the  
19 forest tree line, and impacted into a large pinon tree.

20  
21           8. Officer BEGAYE informed your Affiant that he had located foot tracks in the  
22 soft ground, leading in a south direction. Officer BEGAYE and your Affiant tracked the foot  
23 tracks to the right-a-way highway fence line, crossed the fence line, and continued tracking.  
24 About 70 yards south of the Chevrolet truck, a male person was located lying on the ground.  
25 The male person matched the same description provided by G.L. An ambulance was called  
26 for the male person.  
27  
28



1           9. March 21, 2016 your Affiant established contact with BRANDON LINCOLN  
2 at the emergency room of the Gallup Indian Medical Center, Gallup, New Mexico. He was  
3 advised of the identity of the interviewing official as CI JAMES and purpose of the contact.  
4 BRANDON BOB LINCOLN smelled of alcohol intoxicating beverages on his person and on  
5 his breath.

6  
7           a) BRANDON LINCOLN advised he was the driver of the green and gray  
8 Chevrolet truck. He had just met his "bro" JOHN DOE today. He does not even know his  
9 name. He does not really remember much of what happened. They were going to the store  
10 but his bro told him to turn around. He turned around at the top of a hill and began to drive  
11 back to the house. He was driving down a hill and the next thing he knows, he hit a tree.

12  
13           b) He saw that JOHN DOE was halfway out the passenger side door  
14 window opening. He got out of the truck on the driver side and walked around the truck to  
15 the passenger side. He attempted to wake up his bro but he was unresponsive. He knew his  
16 bro had passed on. He got scared and walked away from the truck but his knees were hurting,  
17 and he laid down on the ground.

18  
19           c) He advised that he drank a pint of Fireball liquor and two Budweiser  
20 beers during the day.

21  
22           10. The vehicle involved is a turquoise/gray Chevrolet single cab, four-wheel  
23 drive, long wheel base truck. A New Mexico license plate 637PSR attached to the rear  
24 bumper. The VIN is 1GCDK14K9ME191942. The vehicle is currently stored at the A-1  
25 Towing Service, 19b Coal Basin Road, Gallup, New Mexico.

26  
27           11. Based on the training of the affiant, it is known that the search, seizure,  
28 processing and documentation of the said vehicle, processing are material to the investigation

1 of this fatal motor vehicle crash, and material to evaluating driver culpability if any. In order  
2 to ensure and promote a complete and thorough investigation of the Chevrolet truck,  
3 investigators may be required to examine the entire vehicle for forensic trace evidence. It  
4 may be necessary for investigators to remove and/or damage entire portions of the vehicle  
5 including but not limited to doors, windows, carpets, upholstery, mechanical equipment  
6 and/or the body and frame of the Chevrolet truck.


7  
8 12. Based on the information set forth in this affidavit, your affiant submits that  
9 there is probable cause to believe that on or about March 20, 2016, within the exterior  
10 boundaries of the Navajo Indian Reservation, in Indian Country, in McKinley County, in the  
11 State and District of New Mexico, BRANDON BOB LINCOLN, a Navajo Indian,  
12 unlawfully killed JOHN DOE, a Navajo Indian, while in the commission of an unlawful act  
13 not amounting to a felony by violating New Mexico's statute prohibiting persons under the  
14 influence of intoxicating liquor, N.M. Stat. Ann. Section 66-8-102 1978, by operating a  
15 motor while under the influence of intoxicating liquor, in violation of 18 U.S.C. 1153 and 18  
16 U.S.C. 1112.

17  
18 13. Affiant prays this Court to issue search warrant for the turquoise/gray  
19 Chevrolet single cab, four wheel drive, long wheel base truck, bearing New Mexico license  
20 plate 637PSR; VIN is 1GCDK14K9ME191942; and to seize and to examine the following of  
21 or inside the vehicle; as they are believed to contain evidence of the aforementioned crime:


- 22  
23 a) Latent and/or visible prints, including but not limited to fingerprints and  
24 footwear impressions  
25 b) Bodily fluids, bodily tissues and/or organs including but not limited to  
26 saliva, semen, blood, bone fragments, skin, hair, and/or any items they may  
27 have said items upon and/or within them  
28

- 1 c) Trace evidence, including but not limited to glass, hair and/or fibers and/or  
2 materials that may have said items on and/or within them  
3 d) Documentation of the Chevrolet truck premises for described items, to be  
4 seized, by means of measurement, photography, videography and/or any  
5 other means deemed necessary by law enforcement and/or persons  
6 assisting law enforcement.  
7 e) A complete mechanical inspection of the Chevrolet truck, to be searched.  
8

9 Reviewed and approved by SAUSA Kyle T. Nayback  
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11  
12

13   
14 Robert H. James  
15 Criminal Investigator  
16 Navajo Department of Criminal Investigation  
17 Crownpoint, New Mexico  
18

19 Subscribed and sworn to before me  
20 this 29 day of March 2016.

21   
22 United States Magistrate Judge  
23  
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26  
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